



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 31 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lloyd Meyer
President, Chicago Division
Ozinga Ready Mix Concrete, Inc.
2255 South Lumber Street
Chicago, Illinois 60616

Re: Notice of Violation
Ozinga
Chicago, Illinois

Dear Mr. Meyer:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ozinga Ready Mix Concrete, Inc. (Ozinga) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Chicago, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

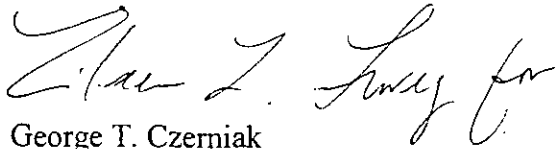
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jennifer Wilson. You may call her at 312-353-3115 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Also enclosed is a U.S. EPA Small Business Resources Information Sheet.

Sincerely,

A handwritten signature in cursive script, appearing to read "George T. Czerniak".

George T. Czerniak
Director
Air and Radiation Division

Enclosures

cc: Eric Jones

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Ozinga Ready Mix Concrete, Inc.
Chicago, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-15-IL-2

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Ozinga Ready Mix Concrete, Inc. (Ozinga) is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

A. Clean Air Act

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards.
2. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit.

B. Illinois State Implementation Plan

3. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.301 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.301 states that, "No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source."
4. On July 14, 1999, EPA approved 35 Ill. Admin Code § 212.302 as part of the federally enforceable SIP for the State of Illinois. See 64 Fed. Reg. 37847, 37851. 35 Ill. Admin Code § 212.302 states that "[s]ections 212.304 through 212.310 and 212.312 of this Subpart shall apply to ... manufacturing operations (SIC major groups 20 through 39...), which are located in the areas defined by the boundaries of the following townships ... in the following counties: Cook: All townships."

5. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.306 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.306 is set forth in the Illinois SIP at Rule 203(f)(3)(C) and states that traffic pattern areas surrounding storage piles, traffic pattern roads, and parking facilities “shall be paved or treated with water, oils or chemical dust suppressants.” The treatment shall also be applied, “on a regular basis, as needed, in accordance with the operating program required by Rule 203(f)(3)(F) [Sections 212.309, 212.310 and 212.312].”
6. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.308 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.308 is set forth in the Illinois SIP at Rule 203(f)(3)(Ea) and states that “[c]rushers, grinding mills, screening operations, bucket elevators, conveyor transfer points, conveyors, bagging operations, storage bins and fine product truck and railcar loading operations shall be sprayed with water or a surfactant solution, utilize choke-feeding or be treated by an equivalent method in accordance with an operating program.”
7. On July 14, 1999, EPA approved 35 Ill. Admin Code § 212.309 as part of the federally enforceable SIP for the State of Illinois. See 64 Fed. Reg. 37847, 37851. 35 Ill. Admin Code § 212.309 states “[t]he emission units described in Sections 212.304 through 212.308 and Section 212.316 of this subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart... Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.”
8. On February 21, 1980, EPA approved 35 Ill. Admin Code § 212.310 as part of the federally enforceable SIP for the State of Illinois. See 45 Fed. Reg. 11493. 35 Ill. Admin Code § 212.310 is set forth in the Illinois SIP at Rule 203(f)(3)(F) and describes the minimum requirements of a fugitive particulate operating program to include:
 - a. “The name and address of the facility;
 - b. The name and address of the owner or operator responsible for execution of the operating program;
 - c. A map or diagram of the facility showing approximate locations of storage piles, conveyor loading operations, normal pattern access areas surrounding storage piles and all normal traffic patterns within the facility;
 - d. Location of unloading and transporting operations with pollution control equipment;
 - e. A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil, chemicals and dust suppressants utilized and equivalent methods utilized;
 - f. Estimated frequency of application of dust suppressants by location of materials; and

- g. Such other information as may be necessary to facilitate the Agency's review of the operating program."

Factual Background

9. Ozinga owns and operates a concrete batch plant, SIC 3273, located at 2255 South Lumber Street, Chicago, Illinois 60616 (the Facility). The Facility manufactures concrete by mixing various materials including cement, fly ash, gravel, water and sand. Located at the Facility, among other things, are piles of materials, front end loaders and other equipment that moves the materials, silos, conveyors, conveyor transfer points, chemicals, and chemical storage tanks.
10. In addition to the main batch plant, the Facility includes a crushing plant to crush and sell old concrete. It also includes a portable cement plant, but the portable plant has not been moved offsite for years. The portable plant is used onsite as a back-up plant.
11. The Facility has been in operation at this location since 1989 and is bordered by a mixed residential/industrial area to the north and west and by the South Branch of the Chicago River to the East and South.
12. On March 6, 2014, EPA representatives performed an inspection of the Facility and observed the following:
 - a. Many emissions were observed while materials were removed from one of the piles onsite that was close to Lumber Street.
 - b. Emissions were generated as a materials handler moved materials from a barge in the river to a pile.
 - c. Conveyors were not enclosed.
 - d. There was an odor.
 - e. There were many uncovered piles of various materials. Some of the piles appeared to be wet and others did not.
13. On June 16, 2014, EPA did offsite observations of the Facility and saw particulate matter emissions leaving the Facility on the western side of the Facility's property when the concrete trucks left the Facility. As the trucks left the Facility, dust plumes arose from the particulate matter on the roads and blew onto Lumber Street.
14. On July 21, 2014, EPA did offsite observations of the Facility and saw particulate matter emissions blowing into the South Branch of the Chicago River while materials on barges were being loaded into piles on the yard of the Facility.
15. After the inspection and observations, EPA obtained Ozinga's current Fugitive Particulate Operating Program. The document is dated November 6, 1987 and does not include current information about the following:

- a. The crushing plant that is located at the Facility;
 - b. A map or diagram of the Facility that shows the approximate locations of storage piles, conveyor loading operations, normal pattern access areas surrounding storage piles and all normal traffic patterns within the facility;
 - c. Location of unloading and transporting operations with pollution control equipment;
 - d. The portable cement plant;
 - e. Conveyor transfer points; and
 - f. Estimated frequency of application of dust suppressants by location of materials.
16. On October 8, 2014, EPA sent Ozinga a Request for Information pursuant to Section 114 of the Clean Air Act. Ozinga failed to respond to the Request.

Violations

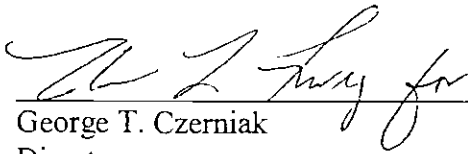
17. Ozinga violated Rule 203(f)(3)(C) of the Illinois SIP [35 Ill. Admin Code § 212.306] by not watering the roads of the Facility to prevent particulate matter emissions.
18. Ozinga violated Rule 203(f)(1) of the Illinois SIP [35 Ill. Admin Code § 212.301], by causing particulate matter pollution to cross the property line of the Facility.
19. Ozinga violated 35 Ill. Admin Code § 212.309 and Rule 203(f)(3)(F) of the Illinois SIP [35 Ill. Admin Code § 212.310] by not using best management practices at the Facility to prevent particulate matter emissions.
20. Ozinga violated Rule 203(f)(3)(F) of the Illinois SIP [35 Ill. Admin Code § 212.310] by not including the following items in its Fugitive Particulate Operating Program:
- a. A map or diagram of the facility showing approximate locations of storage piles, conveyor loading operations, normal pattern access areas surrounding storage piles and all normal traffic patterns within the facility;
 - b. Locations of unloading and transporting operations with pollution control equipment;
 - c. Pollution controls and best management practices for the particulate matter emissions from the crushing plant and the portable cement plant;
 - d. Pollution controls for the conveyor transfer points; and
 - e. Estimated frequency of application of dust suppressants by location of materials.

Environmental Impact of Violations

These violations have caused or can cause excess emissions of particulate matter. Particulate matter, especially fine particulates, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

3/31/15
Date


George T. Czerniak
Director
Air and Radiation Division

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-IL-02, by

Certified Mail, Return Receipt Requested, to:

Lloyd Meyer
President, Chicago Division
Ozinga Ready Mix Concrete, Inc.
2255 South Lumber Street
Chicago, Illinois 60616

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Eric Jones,
Manager, Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency

On the 31st day of March 2015.

for Kathy Jones
Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 3540